

² National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755 (“the Vaccine Act” or “Act”). Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

sincerely believe that M.A.M.’s injury is vaccine-related, they acknowledge that, despite a diligent search, they are not able to obtain an expert [] to support the claim.” *Id.* ¶ 1. They continued that “Petitioners acknowledge that without an expert report, they will not be able to prove that M.A.M. is entitled to compensation” in the Program. *Id.* Petitioners indicated that “[i]n these circumstances, [] to proceed further would be unreasonable and would waste the resources of the Court, [R]espondent, and the Vaccine Program.” *Id.* ¶ 2. Respondent indicated no objection to Petitioners’ motion. *Id.* ¶ 4.

To receive compensation under the Program, Petitioners must prove either (1) that M.A.M. suffered a “Table Injury”—i.e., an injury falling within the Vaccine Injury Table—corresponding to the vaccination, or (2) that she suffered an injury that was actually caused by a vaccine. *See* §§ 13(a)(1)(A), 11(c)(1). An examination of the record did not uncover evidence that M.A.M. suffered a “Table Injury.” Further, the record does not contain persuasive evidence that M.A.M.’s alleged injuries were caused-in-fact by her July 30, 2015 vaccinations.

Under the Act, petitioners may not be given a Program award based solely on their claims alone. Rather, the petition must be supported by medical records or the opinion of a competent physician. § 13(a)(1). In this case, the medical records are insufficient to prove Petitioners’ claim by preponderant evidence, and at this time, Petitioners have not filed a supportive opinion on causation from an expert witness. Therefore, this case must be **dismissed for insufficient proof. The Clerk shall enter judgment accordingly.**³

IT IS SO ORDERED.

s/Herbrina D. Sanders
Herbrina D. Sanders
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties’ joint filing of a notice renouncing the right to seek review.